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June 9, 2004

BY HAND DELIVERY

Surface Transportation Board

Case Control Unit

Attention: Kenneth Blodgett

1925 K Street, N.W.

Washington, DC 20423-0001

**RE: *The Kansas City Southern Railway Company – Petition for Exemption –
Abandonment Of Second Street Track In Kansas City, MO,
Docket No. AB-103 (Sub-No. 17X)***

Dear Mr. Blodgett:

The Kansas City Southern Railway Company ("KCSR") submits this comment on the Draft Environmental Assessment ("Draft EA") served by the Surface Transportation Board ("STB") on June 7, 2004 in the above-captioned matter. In the Draft EA, the Board indicated that the Missouri State Historic Preservation Officer ("MO SHPO") concluded that the involved rail line falls within the boundaries of Kansas City's Old Town Historic District, a property listed in the National Register of Historic Places.

KCSR's research indicates that the involved rail line is not within the Historic District. Enclosed is a copy of our April 19, 2004 letter including materials from the National Register archives. Those materials show that the northern boundary of the Historic District is the southern curb of Second Street. Track 500 of KCSR's Second Street Track lies north of that northern boundary, in the middle of Second Street, as noted in the Draft EA. Similarly, Track 741 is north of the Track 500 and the District, and the entire rail yard affected is north and/or west of the District, as clearly shown on the map in the National Register archival materials.

Accordingly, KCSR respectfully submits that the Board would not be correct to conclude that the involved line is within the Old Town Historic District. Further, KCSR believes that because the line is outside the District, the line cannot be designated as a contributing property under 16 U.S.C. §470a. *See generally Concerned Citizens' Alliance v. Slater*, 176 F.3d 686, 698 (1999) at n. 9 (discussing buildings within an historic district and stating, "One building is a non-contributing (that is, non-historic), multi-family dwelling; the other residence is a contributing structure at 9 Factory Street [a point within the district].")

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Please feel free to contact me if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'William A. Mullins', with a stylized, flowing script.

William A. Mullins

Enclosures

cc: Victoria J. Ruston, Esquire (STB/SEA)
Mark A. Miles, MO DNR
Advisory Council on Historic Preservation (ACHP)